

New Forms. New Rules. What More Could a Bankruptcy Practitioner Want?

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Overview

- OBJECTIVES:
 - Provide practice tips to help you adjust to the new forms
 - Introduce new local rules affecting bankruptcy
 - Provide resources to review later to
 - Help you become familiar with the new forms
 - Point out some of the most interesting form changes

Hints About New Forms

Because of the high quality of Kansas attorneys,
the transition since December 1
has been remarkably smooth

Be Sure to Use the New Forms

- Filing on the old forms is at the filer's risk
- If you file on the old form, you can expect to be asked to refile the document on the new form
- Judges are increasingly likely to strike documents filed on the old forms
 - Many new forms prompt for more information than the old forms and some judges or parties may insist that the new form is essential to get that additional information
- Creditor Attorneys: Please advise creditors to use the new Proof of Claim form
 - Some creditors are still using old Proof of Claim forms from the 1900's

Remember to Include Form 106Dec: Declaration About an Individual Debtor's Schedules

- This form must be filed every time one or more schedules is filed
 - Must accompany any set of schedules when initially filed
 - Must also accompany any amended schedule(s)

Declaration About an Individual Debtor's Schedules

If two married people are filing together, both are equally responsible for supplying correct information.

You must file this form whenever you file bankruptcy schedules or amended schedules. Making a false statement, concealing or obtaining money or property by fraud in connection with a bankruptcy case can result in fines up to \$250,000, or imprisonment, or both. 18 U.S.C. §§ 152, 1341, 1519, and 3571.

Attorneys File the Declaration Re: Electronic Filing; Not Official Form 121

- Attorneys file only the Declaration Re: Electronic Filing, not Form 121
 - Must be signed by debtor with a wet ink signature
 - Be certain to include the debtor's Social Security Number
 - File it conventionally per § I.C of Appendix 1-01 to LBR 5005.1
- LBR 1007.1(a)(3) states (as amended by Standing Order 15-4):

(3) Electronically filed petitions must follow the same order as listed in paragraph (a)(1) above, except that counsel must conventionally submit the Declaration Re: Electronic Filing (form available from the Clerk of the Bankruptcy Court) in lieu of Official Form 2121.

A fillable pdf Declaration Re: Electronic Filing is available on the Court's website

- http://www.ksb.uscourts.gov/images/ksb_forms/06_05_2009_decldue.pdf

UNITED STATES BANKRUPTCY COURT DISTRICT OF KANSAS

In re:)
) Bankruptcy Case No.
 Debtor(s), Full Social Security Number(s))

DECLARATION RE: ELECTRONIC FILING

PART I - DECLARATION OF PETITIONER:

I [We] and , the undersigned debtor(s), corporate officer, partner, or member, hereby declare under penalty of perjury that I [we] have reviewed the information provided in the electronically filed petition, statements and schedules and the information is true and correct. I [We] further declare under penalty of perjury that the foregoing Social-Security number and/or Individual Taxpayer-Identification Number is true and correct. I consent to my attorney sending my petition, this declaration, statements and schedules and any future amendments of these documents to the United States Bankruptcy Court, United States Trustee and Panel Trustee. I understand that this **DECLARATION RE: ELECTRONIC FILING** is to be filed with the Clerk after the petition has been filed electronically but, in any event, no later

Application to Pay Filing Fee Through the Plan

- Problem: A small number of attorneys are finding that they have an internet fee due when they
 - Electronically filed petitions using bankruptcy preparation software
 - Together with an application to pay the filing fee through the plan
- Short Term Solution: Call the local Bankruptcy Clerk's Office
- Long Term Solution: We are investigating the cause (whether it is CM/ECF or the bankruptcy filing software or user error) and looking for the fix

Form 101 and New Form 2010

- Formerly: LBR 1007.1(a)(1)(P) required a certificate (Form 201B) pursuant to 11 U.S.C. § 521(a)(1)(B)(iii)(I) verifying that the notice to debtors required by 11 U.S.C. § 342(b) (former Procedural Form 201) had been either given by the attorney to the debtor or the pro se debtor had read the notice.
- Now:
 - The certificate is included at the end of the individual petition (Official Form 101).
 - The new notice is Form 2010, Notice Required by 11 U.S.C. § 342(b) for Individuals Filing for Bankruptcy.

Form 2010 Need Not Be Filed

- Form 101 does not require Form 2010 to be filed
- In cases when forms are missing or problematic, the Clerk's Office issues an Order to Correct Voluntary Petition in Bankruptcy
- In the past, a few orders to correct included the directive to file "Form 2010 Notice Required by 11 U.S.C. 342(b)"
- The Clerk's Office will no longer issue orders to correct requiring Form 2010 because it need not be filed

Form 101 and New Form 2010

- Certification by pro se debtor

Part 7: Sign Below	
For you	<p>I have examined this petition, and I declare under penalty of perjury that the information provided is true and correct.</p> <p>If I have chosen to file under Chapter 7, I am aware that I may proceed, if eligible, under Chapter 7, 11, 12, or 13 of title 11, United States Code. I understand the relief available under each chapter, and I choose to proceed under Chapter 7.</p> <div style="border: 1px solid black; padding: 2px;"> <p>If no attorney represents me and I did not pay or agree to pay someone who is not an attorney to help me fill out this document, I have obtained and read the notice required by 11 U.S.C. § 342(b).</p> </div> <p>I request relief in accordance with the chapter of title 11, United States Code, specified in this petition.</p> <p>I understand making a false statement, concealing property, or obtaining money or property by fraud in connection with a bankruptcy case can result in fines up to \$250,000, or imprisonment for up to 20 years, or both. 18 U.S.C. §§ 152, 1341, 1519, and 3571.</p> <div style="display: flex; justify-content: space-between;"> <div style="text-align: center;"> <p>X _____</p> <p>Signature of Debtor 1</p> <p>Executed on _____</p> <p style="text-align: center;">MM / DD / YYYY</p> </div> <div style="text-align: center;"> <p>X _____</p> <p>Signature of Debtor 2</p> <p>Executed on _____</p> <p style="text-align: center;">MM / DD / YYYY</p> </div> </div>

Form 101 and New Form 2010

- Certification by attorney

<p>For your attorney, if you are represented by one</p> <p>If you are not represented by an attorney, you do not need to file this page.</p>	<p>I, the attorney for the debtor(s) named in this petition, declare that I have informed the debtor(s) about eligibility to proceed under Chapter 7, 11, 12, or 13 of title 11, United States Code, and have explained the relief available under each chapter for which the person is eligible. <u>I also certify that I have delivered to the debtor(s) the notice required by 11 U.S.C. § 342(b) and, in a case in which § 707(b)(4)(D) applies, certify that I have no knowledge after an inquiry that the information in the schedules filed with the petition is incorrect.</u></p> <div style="display: flex; justify-content: space-between;"> <div style="text-align: center;"> <p>X _____</p> <p>Signature of Attorney for Debtor</p> </div> <div style="text-align: center;"> <p>Date _____</p> <p>MM / DD / YYYY</p> </div> </div>
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New Form 103A: Application for Individuals to Pay the Filing Fee in Installments

- If your software package permits it: Disable it from submitting the proposed Order Approving Payment of Filing Fee in Installments (page 2 of New Form 103A).
 - The proposed order is unhelpful and unnecessary.
- In Chapter 13 cases: If you intend the filing fee to be paid through the plan, it is helpful if you add that language immediately above the "Total" in Part 1 of Form 103A.
 - For example, some attorneys include language like:
 - "[X] Balance to be paid through the Plan by Chapter 13 Trustee"

Official Form 103A

Application for Individuals to Pay the Filing Fee in Installments 12/15

Be as complete and accurate as possible. If two married people are filing together, both are equally responsible for supplying correct information.

Part 1: Specify Your Proposed Payment Timetable

1. Which chapter of the Bankruptcy Code are you choosing to file under?

☐ Chapter 7
☐ Chapter 11
☐ Chapter 12
☐ Chapter 13

2. You may apply to pay the filing fee in up to four installments. Fill in the amounts you propose to pay and the dates you plan to pay them. Be sure all dates are business days. Then add the payments you propose to pay.

You must propose to pay the entire fee no later than 120 days after you file this bankruptcy case. If the court approves your application, the court will set your final payment timetable.

You propose to pay...

\$ _____ ☐ With the filing of the petition
☐ On or before this date..... MM / DD / YYYY

\$ _____ On or before this date..... MM / DD / YYYY

\$ _____ On or before this date..... MM / DD / YYYY

+ \$ _____ On or before this date..... MM / DD / YYYY

Total \$ _____

☒ [X] Balance to be paid through the Plan by Chapter 13 Trustee

◀ Your total must equal the entire fee for the chapter you checked in line 1.

New Form 103B: Application to Have the Chapter 7 Filing Fee Waived

- If your software package permits it: Disable it from submitting the proposed Order on the Application to Have the Chapter 7 Filing Fee Waived (page 2 of New Form 103B).
 - The proposed order is unhelpful and unnecessary.

Form 106C: The Property You Claim as Exempt

- If Schedule C (exempt property) is amended, please file it separately using the CM/ECF event specific to Schedule C
 - Bankruptcy -> Other -> Amended Schedule C
 - Include a Form 106Dec with the amended Form 106C
- Filing the Amended Schedule C separately allows the Clerk's Office to serve it to the matrix with a Notice of Amended Schedule C that includes a time limit to object

Use Form 2500A: Summons

- When requesting a summons to be issued from the Clerk's Office, use Form 2500A, Summons in an Adversary Proceeding
 - Not 2500B, Summons and Notice of Pretrial Conference in an Adversary Proceeding
 - Not 2500C, Summons and Notice of Trial in an Adversary Proceeding
- The New Form 2500A is posted on the Bankruptcy Court's public website

A Few More Hints

Print Documents to PDF Rather Than Scanning Them

- Printing documents to pdf has many advantages over scanning hard copies
- Printing to pdf:
 - Requires less memory
 - Provides a clearer, more legible image
 - Makes images searchable
 - Allows CM/ECF to identify citations and automatically generate hyperlinks

Do Not Mail Paper Copies of Electronically Filed Documents to the Court

- If the original document was filed electronically in CM/ECF, there is no need to send a paper copy to the Clerk's Office
- Save yourselves—and your clients—time, paper, and postage
- You can cross the court's mailing address off the matrix that you attach to the Certificate of Service
 - Clarifies that you did not include a mailed copy to the Court

Delayed Certificates of Service

- Some Certificates accompanying a filed document say “The undersigned further states that (s)he will file a Certificate of Service stating the exact date of service, as well as the parties served by U.S. First Class Mail, postage prepaid, within three (3) business days”
- These prompt an order to correct and require the Clerk’s Office to track them
 - Sometimes the follow-up Certificate is not filed within the time stated
 - Also, this language does not follow the model Certificate of Service language provided in LBR 9013.3
- Beware: if the service date does not provide sufficient notice (e.g., 20 days rather than the requisite 21 days) it can prompt an additional order to correct or may draw an objection

Consistency in the New Forms

- Gender-neutral references to Debtor 1 and Debtor 2 replace references to husband and wife in joint cases
 - Once each debtor is identified as Debtor 1 or Debtor 2, be consistent throughout the bankruptcy to refer to each debtor with the same debtor number

New Text Only Orders Granting/Denying Motion to Extend the Automatic Stay

- If a Judge issues a text only order to rule on Motions to Extend the Automatic Stay, the debtor/movant must serve the text only order on all creditors
- To serve the text-only order, attorneys can print the Notice of Electronic Filing (the email sent to you) or print the page of the docket on which the text-only order appears

Text Only Order Granting Motion to Extend the Automatic Stay

ORDER GRANTING MOTION TO EXTEND THE AUTOMATIC STAY

Debtor/Movant has met burden of proof that this case is filed in good faith, stay is continued as to all creditors under §362(c)(3). **Debtor/Movant shall serve a copy of this order on all creditors and file a certificate of service with the Court.** So ORDERED by s/ Robert E. Nugent. (related documents 21 Motion to Extend Automatic Stay Filed on behalf of Judge USBC Orders , with Certificate of Service.) (Zimmerman, David)

THE MOVING PARTY IS TO SERVE THIS ORDER ON PARTIES NOT RECEIVING ELECTRONIC NOTICE AND FILE A CERTIFICATE OF SERVICE WITH THE COURT.
(When filing a certificate of service for this order, relate it back to the **epo** category.)

This Notice of Electronic Filing is the Official ORDER for this entry. No document is attached.

Text Only Order Denying Motion to Extend the Automatic Stay

ORDER DENYING MOTION TO EXTEND THE AUTOMATIC STAY

Following hearing on Debtor(s) motion under §362(c)(3), the motion is DENIED and the temporary stay shall terminate 30 days from the date of the petition. **Debtor/Movant shall serve a copy of this order on all creditors and file a certificate of service with the Court.** So ORDERED by s/ Robert E. Nugent. (related documents 21 Motion to Extend Automatic Stay Filed on behalf of Judge USBC Orders , with Certificate of Service.)(Zimmerman, David)

THE MOVING PARTY IS TO SERVE THIS ORDER ON PARTIES NOT RECEIVING ELECTRONIC NOTICE AND FILE A CERTIFICATE OF SERVICE WITH THE COURT.
(When filing a certificate of service for this order, relate it back to the **epo** category.)

This Notice of Electronic Filing is the Official ORDER for this entry. No document is attached.

Meet the New Local Rules

There are a lot of changes

Some Local Rule Changes Are Already In Effect

- District Court Standing Order 15-02
 - Retroactively effective December 1, 2015
 - Interprets the effective date of amended Fed. R. Civ. P. 4(m) locally
- Bankruptcy Court Standing Order 15-4
 - Effective December 1, 2015
 - Modifies many local rules to address changes to Bankruptcy Forms

Some Rules Are Changing in March 2016

- More Local Bankruptcy Rules will be amended effective March 17, 2016 to:
 - Formally adopt (after publication for public comment) the interim rule changes made by Standing Order 15-4
 - Abrogate Standing Orders that are either obsolete or are being formally adopted as regular Local Rules
 - Adopt additional rule changes that did not have to be adopted immediately on an interim basis by Standing Order

Rule Changes Now in Effect

District Court Standing Order 15-02

Interprets the effective date of amended Fed. R. Civ. P. 4(m) locally

An amendment to Fed. R. Civ. P. 4(m), reducing the period for effecting service from 120 days to 90 days went into effect on December 1, 2015. The U.S. Supreme Court's order dated April 29, 2015 states:

"That the foregoing amendments to the Federal Rules of Civil Procedure shall take effect on December 1, 2015, and shall govern in all proceedings in civil cases thereafter commenced and, insofar as just and practicable, all proceedings then pending." (emphasis added.)

To provide additional guidance, the Court further orders as follows:

IT IS HEREBY ORDERED that the 90-day time period for effecting service under Fed. R. Civ. P. 4(m) shall apply to all cases filed on or after December 1, 2015; and

IT IS FURTHER ORDERED that this amendment to Fed. R. Civ. P. 4(m) shall not apply to cases already pending as of December 1, 2015; and

Bankruptcy Court Standing Order 15-4 Overview

- Updated references in the local rules to bankruptcy form names and numbers
- Reorganized the order in which documents accompanying a bankruptcy petition should be filed
- Updated the list of documents that must be filed separately from the bankruptcy petition
- Amended certain Standing Orders substantively
- Abrogated certain Standing Orders
- Clarified language governing payment of filing fees by credit card
- Changed rules governing pagination
- Clarified language governing citations to unpublished decisions

Throughout: Changes to Form Numbers/Names

- All references to Official Forms and Director's Forms were updated to reflect the new form numbers and the new names
- *See, e.g.*, LBR 1005.2(a)

LBR 1005.2

CAPTIONS; CASE NUMBERING SYSTEM

(a) Captions. In addition to meeting the requirements of Fed. R. Bankr. P. 1005 and Official Form 16A416A or 16B416B, as applicable, the caption of each petition must state the full and correct name of the debtor.

LBR 1007.1(a)(1): Petition and Attachments Reordered

- Added references to the new forms
 - Petition is now Official Form 101 or 201, depending on the debtor type
 - All Schedules are listed and identified by the new name (e.g., Schedules A/B and E/F)
- Now the attachments following the petition generally follow in form number order
 - E.g., the list of 20 largest unsecured creditors who are not insiders (Official Form 104/204) is now the first attachment
 - E.g., Statement of Financial Affairs (Form 107/207), comes after the Schedules
- The matrix and matrix verification are now filed with the petition as the last attachment
 - Previously the rule required them to be filed separately from the petition

LBR 1007.1(a)(2): Documents Filed Separately From the Petition

- Deleted the matrix and matrix verification from the list of documents to be filed separately from the petition
 - Now filed as the last attachment to the petition
- Added Debtor's Electronic Noticing Request Form (DeBN Request)
- Added Official Form 101B, statement about payment of an eviction judgment

Appendix 1-01 to LBR 5005.1: Administrative Procedures for Filing ... By Electronic Means

- Updated the language in § 1.D about paying filing fees to clarify that
 - Attorneys pay fees electronically by using Pay.gov
 - The Court does not retain credit card numbers or make automatic draws

~~D. Filing Fees. For filings that require a fee to be paid, the office of the clerk will automatically draw payment from the credit card account that was provided by the attorney~~attorney must use a credit card to promptly pay the fee through Pay.gov. The court will not maintain electronic billing or debit accounts for lawyers or law firms.

LBR 9004.1(a)(2): Pagination

- Requires every page of pleadings, motions, briefs and other documents filed as the main document in CM/ECF to be serially paginated beginning with the first page

(2) Pagination. Pleadings, motions, briefs, and other documents submitted for filing (other than exhibits and/or attachments) must be paginated beginning with the first page of the filing and sequentially numbering all pages that follow. Numbered pages include the cover page, table of contents, table of authorities, indices, and all other parts of the document.

LBR 9004.1(a)(2): Pagination

- Previously, many briefs did not sequentially number all of the pages that precede the statement of facts, so page numbers assigned by the authors to the statement of facts and argument sections often did not match the page numbers assigned by CM/ECF
- Page numbers affixed by authors will now correspond to the page numbers that CM/ECF assigns when the document is electronically filed

LBR 9004.1(a)(2): Pagination

- Hyperlinking Benefits: Fixing this page number mismatching problem will allow CM/ECF to automatically create accurate hyperlinks from one document filed in CM/ECF to a precise page number in another CM/ECF document when it is cited properly
- Paginating Attachments is Optional: Although it would be beneficial for attachments and exhibits to be serially paginated (thereby allowing CM/ECF to create the most accurate hyperlinks to the proper page of a cited attachment) the amended rule does not require attachments and exhibits to be serially numbered at this time

LBR 9004.1(b)(1): Citation Format of Unpublished Decisions

- The language governing citations to unpublished decisions was moved from LBR 9013.1(d) to LBR 9004.1(b)(1), to make clear that unpublished decisions should be cited using the designated format in all documents, not just in briefs and memoranda

(b) Citation Formats.

(1) *Unpublished Decisions.* An unpublished decision cited in a pleading, motion, brief or other document shall be attached as an exhibit only if it is unavailable via electronic means (e.g., Westlaw or LEXIS). Parties citing unpublished decisions that are available via electronic means must not furnish a copy to the court or to opposing parties unless requested. Unpublished decisions should be cited as follows: *In re Smith*, No. 02-12345 (Bankr. D. Kan. Jan. 7, 2005).

LBR 9013.1(d): Additional Copies of Briefs for Court Use.

- Former LBR 9013.1(e) was renumbered as 9013.1(d)
- The last sentence was deleted because a local rule is not needed for a judge to request that a copy of a brief be provided in a word processor format

~~—(e) Additional Copies of Briefs for Court. If a pleading, paper or document is filed electronically, additional copies should not be provided to the court in conventional paper format. The court may request that any brief be provided by electronic means, usually in WordPerfect.~~

* * *

Standing Order 08-4(b)(5): Longer Notice of Default Time

- Amended to require a Mortgage Creditor to send (to both Debtor and Debtor's counsel) the letter alleging default not less than 14 days (previously 10 days) before taking any steps to modify the automatic stay

(5) If the case is a Chapter 12 or 13 case where the secured consumer debt is not modified by or paid through the Plan, and the Mortgage Creditor believes the debtor to be in default, the Mortgage Creditor shall send a letter alleging such default to the debtor and debtor's attorney upon any perceived or actual default by the debtor not less than ~~10~~¹⁴ days before taking any steps to modify the

³Effective December 1, 2015, D. Kan. Bk S.O. 15-4 amended D. Kan. Bk S.O. 08-4(b)(5) to require a Mortgage Creditor to send the letter alleging default not

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automatic stay. Such written notice of default shall not be required in instances where the debtor has caused to be

Standing Order 11-3 § VI.C: Mortgage Payment History

- Section VI.C deleted the reference to Standing Order 11-3 Exhibit G and replaced it with a reference to Official Form 410A, thereby requiring Real Property Creditors to provide a mortgage history in substantial conformity with Official Form 410A
- Exhibit G was abrogated as moot.

C. During the pendency of the Chapter 13 case, Real Property Creditor shall submit to the Trustee, Debtor, and Debtor's attorney on or before the 10th of January of each year, a 12 month summary of the activity on the loan with a form substantially in conformity with ~~Exhibit G~~ Official Form 410A, ~~Model Mortgage Payment History~~ Proof of Claim Attachment.⁶

OLD EXHIBIT G (ABROGATED)

Debtor: John Q. Debtor
Case Number: 07-112345

Plan = POC = \$10,300

TRANSACTION DATE	AMOUNT RECEIVED	ARREARS or MONTHLY	POST DUE DATE	POST MONTHLY PAYMENT	PRE-PETITION BALANCE	SPECIAL ASSESSMENT	SUSPENSE
1/1/2007	\$ 800.00	Monthly	1/1/2007	\$ 800.00	\$ 10,300.00		
2/10/2007	\$ 800.00	Monthly	2/1/2007	\$ 800.00	\$ 10,300.00		
2/15/2007	\$ 120.00	Arrears	-	-	\$ 10,180.00		
3/3/2007	\$ 800.00	Monthly	3/1/2007	\$ 800.00	\$ 10,180.00		
3/15/2007	\$ 100.00	Arrears	-	-	\$ 10,080.00		
4/3/2007	\$ 850.00	Monthly	4/1/2007	\$ 800.00			\$ 50.00
6/10/2007	\$ 1,200.00	Monthly	5/1/2007	\$ 800.00			\$ 400.00
7/1/2007	\$ 1,200.00	Monthly	6/1/2007	\$ 800.00			\$ 400.00
7/2/2007	\$ 800.00*	Monthly	7/1/2007	\$ 800.00			
7/16/2007						\$32.00 LC	
7/24/2007						\$15.00 PI	
7/31/2007						\$500.00 Attorney Fee	

NEW FORM 410A

Mortgage Proof of Claim Attachment

(12/15)

If you file a claim secured by a security interest in the debtor's principal residence, you must use this form as an attachment to your proof of claim. See separate instructions.

Part 1: Mortgage and Case Information		Part 2: Total Debt Calculation		Part 3: Arrearage as of Date of the Petition		Part 4: Monthly Mortgage Payment	
Case number:	_____	Principal balance:	_____	Principal & interest due:	_____	Principal & interest:	_____
Debtor 1:	_____	Interest due:	_____	Prepetition fees due:	_____	Monthly escrow:	_____
Debtor 2:	_____	Fees, costs due:	_____	Escrow deficiency for funds advanced:	_____	Private mortgage insurance:	_____
Last 4 digits to identify:	_____	Escrow deficiency for funds advanced:	_____	Projected escrow shortage:	_____	Total monthly payment:	_____
Creditor:	_____	Less total funds on hand:	_____	Less funds on hand:	_____		
Servicer:	_____	Total debt:	_____	Total prepetition arrearage:	_____		
Fixed accrual/daily simple interest/other:	_____						

Part 5 : Loan Payment History from First Date of Default

A. Date	B. Contractual payment amount	Account Activity		E. Description	F. Contractual due date	G. Prin, int & esc past due balance	How Funds Were Applied/Amount Incurred					Balance After Amount Received or Incurred				
		C. Funds received	D. Amount incurred				H. Amount to principal	I. Amount to interest	J. Amount to escrow	K. Amount to fees or charges	L. Unapplied funds	M. Principal balance	N. Accrued interest balance	O. Escrow balance	P. Fees / Charges balance	Q. Unapplied funds balance

Standing Order 12-2: ABROGATED

- Standing Order 12-2 (which adopted Interim Federal Rule of Bankruptcy Procedure 1007-I) was abrogated as moot because Federal Rule of Bankruptcy Procedure 1007-I has now been adopted

Standing Order 15-2: ABROGATED

- Standing Order 15-2 (requiring the Debtor Electronic Bankruptcy Noticing Form to be filed separately from the petition) was abrogated as moot when its provisions were incorporated into Standing Order 15-4 (eff. Dec. 1, 2015)
- The amendments to LBR 1007.1(a)(2) will be permanently adopted effective March 17, 2016

Rule Changes That Are Coming

Effective March 17, 2016

March 17, 2016 Changes Overview

- Incorporate the extensive changes adopted on an interim basis by Standing Order 15-4
- Update addresses for nine federal and state agencies
- Convert provisions of certain Standing Orders to permanent local rules
- Abrogate certain Standing Orders
- Update certain Standing Orders
- Makes a few technical and grammatical updates

LBR 2002.2(c): Federal Agency Addresses

- Department of Agriculture, Farm Service Agency
 - Name correction and two addresses consolidated into one
- Department of Education
 - ECMC address replaced with a Department of Education address
 - Separate, updated addresses are provided for
 - Noticing (to be included in schedules and on the matrix) and
 - Service of process (such as adversary complaints)

LBR 2002.2(c): Federal Agency Addresses

- Department of Housing and Urban Development
 - Address updated
- Small Business Administration
 - Two addresses consolidated into one
- Veterans Administration
 - Address updated

LBR 2002.2(c): State Agency Addresses

- Kansas Department of Commerce
 - Address updated
- Kansas Department of Revenue
 - Address updated
- Kansas Department for Children and Families
 - Name updated: formerly “Kansas Department of Soc and Rehab Svcs.”
 - Address updated
- Kansas Department of Transportation
 - Address updated

LBR 2004.1: Rule 2004 Examinations

- Formerly adopted as an interim local rule by Standing Order 13-1
- Standing Order 15-4 (eff. Dec. 1, 2015) updated the form numbers in the interim LBR 2004.1
- Interim LBR 2004.1 is being made a permanent local rule
- No substantive changes are being made to the text
- Standing Order 13-1 will be abrogated as moot

Standing Order 15-1: ABROGATED

- Standing Order 15-1 (governing Debtor Electronic Bankruptcy Noticing, “DeBN”) is being abrogated as moot
- Interim LBR 9036.1 is being adopted as permanent LBR 9036.1

Standing Order 15-4: ABROGATED

- Standing Order 15-4 (extensively updating the local rules for the December 1, 2015 form changes) will be abrogated as moot
- Its interim changes will become permanent changes effective March 17, 2016

Resources About New Forms

Where Are the New Bankruptcy Forms?

<http://www.ksb.uscourts.gov/index.php/resources/court-forms>

U.S. Bankruptcy Court
District of Kansas

The screenshot shows the website for the U.S. Bankruptcy Court District of Kansas. The sidebar on the left contains the following links: Home, Court Forms (highlighted with a red circle and an arrow), Local Rules, Chambers, Court Information, CM/ECF Attorney Manual, Calendars and Dockets, Resources, Complaints About Attorney Performance and Ethics, Court Related Links, Court Forms, Filing Without An Attorney, U.S. Trustee, CM/ECF Information, and Opinions. The main content area is titled 'Court Forms' and contains the following text:

A complete set of standard Bankruptcy Forms is available on the U.S. Courts Bankruptcy Forms page at <http://www.uscourts.gov/forms> the Official Bankruptcy Form. For your convenience, the following list contains only the forms that have been locally customized. If a given form does not appear in this list, you should use the Official Bankruptcy Form that appears on the uscourts.gov website.

On December 1, 2015, all of the Bankruptcy Forms were updated. Some forms were abrogated, some were new, and others were modified substantively or cosmetically. All forms were renumbered. To help you view at a glance how the new forms correspond to prior versions, we provide a [Modernized Bankruptcy Forms Numbering Conversion chart](#).

Web Link [410 Proof of Service](#)


Web Link [B2400A Reaffirmation Statement](#)

Web Link [B2500A Summary of Assets and Liabilities](#) or [2500C Unfiled Statement of Financial Affairs](#)

Web Link [AO435 Request for Compensation of Debtor's Attorney](#)

Where Are the Standard Bankruptcy Forms?

<http://www.uscourts.gov/forms/bankruptcy-forms>

 <div> Email Updates Court Locator Careers News <input type="text" value="Search uscourts.gov"/> </div> <div> Home About Federal Courts Judges & Judgeships Services & Forms Court Records Statistics & Reports Rules & Policies </div>			
Services & Forms Bankruptcy Forms			
Forms	Form Number	Form Name	Category
Attorney Forms			
★ Bankruptcy Forms	B 20A	Notice of Motion or Objection	Bankruptcy Forms
Superseded Bankruptcy Forms	B 20B	Notice of Objection to Claim	Bankruptcy Forms
Civil Forms	B 25A	Plan of Reorganization in Small Business Case under Chapter 11	Small Business Forms
Criminal Forms	B 25B	Disclosure Statement in Small Business Case under Chapter 11	Small Business Forms
Court Reporter Forms	B 25C	Small Business Monthly Operating Report	Small Business Forms
CJA Forms	B 26	Periodic Report Regarding Value, Operations and Profitability of Entities in Which the Debtor's Estate Holds a Substantial or Controlling Interest	Bankruptcy Forms
Human Resources Forms	B 101	Voluntary Petition for Individuals Filing for Bankruptcy	Individual Debtors
	B 101A	Initial Statement About an Eviction Judgment Against You (individuals)	Bankruptcy Forms

Modernized Bankruptcy Forms Numbering Conversion Chart

http://www.ksb.uscourts.gov/images/ksb_pdfs/formnum_conv0918.pdf

Modernized Bankruptcy Forms Numbering Conversion Chart **9.18.15**

2014 Form Number	2014 Form Name	2015 Number	New Name
Official Bankruptcy Forms			
B 1	Voluntary Petition	B101	Voluntary Petition for Individuals Filing for Bankruptcy (incorporates exhibits – carves out eviction judgment statement as new form B101AB)
		B101A	Initial Statement About an Eviction Judgment Against You
		B101B	Statement About Payment of an Eviction Judgment Against You
		B201	Voluntary Petition for Non-Individuals Filing for Bankruptcy
		B201A	Attachment to Voluntary Petition for Non-Individuals Filing for Bankruptcy Under Chapter 11
	Exhibit A	B101	Hazardous Property or Property That Needs Immediate Attention – incorporated in Forms B101 and B201
	Exhibit C	B201	
	Exhibit D	B101	Individual Debtor's Statement of Compliance with Credit Counseling Requirement – Incorporated in Form B101
	[Chapter 15 questions from Petition]	B401	Petition for Recognition of Foreign Proceeding
B 2	Declaration under Penalty of Perjury on Behalf of a Corporation or Partnership	B202	Declaration Under Penalty of Perjury for Non-Individual Debtors (For petition, schedules, SOFA, etc.)

What is NOT changing?

- Schedule I, which was already updated
 - But it was renumbered as Official Form 106I
- Schedule J, which was already updated, also has the same look and feel
 - But it was renumbered and there were a few substantive changes, as noted below
- Many forms did not change substantively
 - E.g., Disclosure of Compensation of Attorney for Debtor, Form 2030 was formerly Form B203, but changed only in number and formatting
- Local Chapter 13 Form Plan

What is not changing YET?

- Six Official Forms are targeted to be updated in December 2016:
 - Official Form B20A (becoming Form 420A) Notice of Motion or Objection
 - Official Form B20B (becoming Form 420B) Notice of Objection to Claim
 - Official Form B25A (becoming Form 425A) Plan of Reorganization in Small Business Case Under Chapter 11
 - Official Form B25B (becoming Form 425B) Disclosure Statement in Small Business Case Under Chapter 11
 - Official Form B25C (becoming Form 425C) Small Business Monthly Operating Report
 - Official Form B26 (becoming Form 426) Periodic Report Regarding Value Operations and Profitability of Entities in Which the Debtor's Estate Holds a Substantial or Controlling Interest

What MIGHT change in the future?

- National Chapter 13 Form Plan

(Hurry. Change the subject before a heated discussion ensues.)

Form 101: Voluntary Petition for Individual

- Renumbered to distinguish it from petitions filed by non-individuals
 - Petitions for non-individuals must use Form 201
- New form is 8 pages
 - Partly because some of the material from Exhibits B and D have become part of Form 101

Form 101: Voluntary Petition for Individual

- Line 7: Avoid inconsistent entries
 - This line prompts for debtor to mark which chapter debtor is filing under
 - Top of page 1 includes the same prompt

Part 2: Tell the Court About Your Bankruptcy Case

7. The chapter of the Bankruptcy Code you are choosing to file under

Check one. (For a brief description of each, see Notice Required by 11 U.S.C. § 342(b) for Individuals Filing for Bankruptcy (Form 2010)). Also, go to the top of page 1 and check the appropriate box.

- ☐ Chapter 7
☐ Chapter 11
☐ Chapter 12
☐ Chapter 13

Form 101: Voluntary Petition for Individual

- Line 10: In addition to prompting for “bankruptcy cases pending” by a spouse, business partner or affiliate, it now asks if bankruptcy is “being filed” by those persons

10. Are any bankruptcy cases pending or being filed by a spouse who is not filing this case with you, or by a business partner, or by an affiliate?

☐ No

☐ Yes.

Debtor _____ Relationship to you _____

District _____ When _____ Case number, if known _____
 MM / DD / YYYY

Debtor _____ Relationship to you _____

District _____ When _____ Case number, if known _____
 MM / DD / YYYY

Form 101: Voluntary Petition for Individual

- Old Exhibits A, B, C and D are eliminated
 - Old Exhibit A eliminated because it does not apply to individual debtors
 - Old Exhibit B is incorporated into the attorney signature page at page 7 of the new Form 101
 - Old Exhibit C is replaced by Line 14 which prompts debtor to list hazardous property
 - Line 14 also adds a prompt for debtor to identify “property that needs immediate attention” such as perishable property, animals needing care, or a building requiring urgent repairs (winterizing)
 - Old Exhibit D is replaced by Line 15 which prompts debtor to explain efforts to obtain credit counseling

Form 101: Voluntary Petition for Individual

Part 4: Report if You Own or Have Any Hazardous Property or Any Property That Needs Immediate Attention

14. Do you own or have any property that poses or is alleged to pose a threat of imminent and identifiable hazard to public health or safety? ☐ No

Or do you own any property that needs immediate attention? ☐ Yes. What is the hazard? _____

For example, do you own perishable goods, or livestock that must be fed, or a building that needs urgent repairs?

If immediate attention is needed, why is it needed? _____

Where is the property? _____

Number _____ Street _____

City _____ State _____ ZIP Code _____

Form 101: Voluntary Petition for Individual

Line 15: There is still no official form for either a

- Motion for a 30-day temporary waiver of the credit counseling requirement

☐ I certify that I asked for credit counseling services from an approved agency, but was unable to obtain those services during the 7 days after I made my request, and exigent circumstances merit a 30-day temporary waiver of the requirement.

To ask for a 30-day temporary waiver of the requirement, attach a separate sheet explaining what efforts you made to obtain the briefing, why you were unable to obtain it before you filed for bankruptcy, and what exigent circumstances required you to file this case.

Your case may be dismissed if the court is dissatisfied with your reasons for not receiving a

- Motion for waiver of credit counseling

☐ I am not required to receive a briefing about credit counseling because of:

☐ Incapacity. I have a mental illness or a mental deficiency that makes me incapable of realizing or making rational decisions about finances.

☐ Disability. My physical disability causes me to be unable to participate in a briefing in person, by phone, or through the internet, even after I reasonably tried to do so.

☐ Active duty. I am currently on active military duty in a military combat zone.

If you believe you are not required to receive a briefing about credit counseling, you must file a motion for waiver of credit counseling with the court.

Form 101: Voluntary Petition for Individual

- Lines 19 and 20: Assets and Liabilities
 - Include new categories over \$1 billion.

19. How much do you estimate your assets to be worth?	<input type="checkbox"/> \$0-\$50,000 <input type="checkbox"/> \$50,001-\$100,000 <input type="checkbox"/> \$100,001-\$500,000 <input type="checkbox"/> \$500,001-\$1 million	<input type="checkbox"/> \$1,000,001-\$10 million <input type="checkbox"/> \$10,000,001-\$50 million <input type="checkbox"/> \$50,000,001-\$100 million <input type="checkbox"/> \$100,000,001-\$500 million	<input type="checkbox"/> \$500,000,001-\$1 billion <input type="checkbox"/> \$1,000,000,001-\$10 billion <input type="checkbox"/> \$10,000,000,001-\$50 billion <input type="checkbox"/> More than \$50 billion
20. How much do you estimate your liabilities to be?	<input type="checkbox"/> \$0-\$50,000 <input type="checkbox"/> \$50,001-\$100,000 <input type="checkbox"/> \$100,001-\$500,000 <input type="checkbox"/> \$500,001-\$1 million	<input type="checkbox"/> \$1,000,001-\$10 million <input type="checkbox"/> \$10,000,001-\$50 million <input type="checkbox"/> \$50,000,001-\$100 million <input type="checkbox"/> \$100,000,001-\$500 million	<input type="checkbox"/> \$500,000,001-\$1 billion <input type="checkbox"/> \$1,000,000,001-\$10 billion <input type="checkbox"/> \$10,000,000,001-\$50 billion <input type="checkbox"/> More than \$50 billion

Part 7: Sign Below

Form 101: Voluntary Petition for Individual

- Page 8: Strongly encourages pro se debtors to hire a qualified attorney
- No need to file this page if debtor has an attorney
- Including this page with an email address does NOT satisfy the requirement of Standing Order 15-1 and Interim LBR 9036.1 to file a DeBN Request Form
 - The DeBN Request Form is required to express each debtor's decision to participate or decline participation in the Debtor Electronic Bankruptcy Notification program

Form 101: Voluntary Petition for Individual

For you if you are filing this bankruptcy without an attorney

If you are represented by an attorney, you do not need to file this page.

The law allows you, as an individual, to represent yourself in bankruptcy court, but you should understand that many people find it extremely difficult to represent themselves successfully. Because bankruptcy has long-term financial and legal consequences, you are strongly urged to hire a qualified attorney.

To be successful, you must correctly file and handle your bankruptcy case. The rules are very technical, and a mistake or inaction may affect your rights. For example, your case may be dismissed because you did not file a required document, pay a fee on time, attend a meeting or hearing, or cooperate with the court, case trustee, U.S. trustee, bankruptcy administrator, or audit firm if your case is selected for audit. If that happens, you could lose your right to file another

Form 101: Voluntary Petition for Individual

- Line 11 together with new Official Forms 101A and 101B replace the old “certification by a debtor who resides as a tenant of residential property”
 - Line 11 prompts debtors to state whether they rent their residence.
 - If they rent and their landlord has an eviction judgment against them, they must file new Form 101A, Initial Statement About An Eviction Judgment Against You, with the petition.

New Form 101A: Initial Statement About an Eviction Judgment Against You

- Required only if
 - Debtor’s landlord has an eviction judgment against the debtor and
 - The Debtor rents the residence
- If debtor wishes to stay in the rented residence up to 30 days, this form provides the notice contemplated by 11 U.S.C. § 362(b)(22) and subsection (l) to stay eviction for the first 30 days after filing of the petition
- File this form with the petition and serve Form 101A on the landlord

New Form 101B: Statement About Payment of an Eviction Judgment Against You

- Used by debtors to declare their right to stay in their residence more than 30 days after filing bankruptcy by certifying under penalty of perjury that they:
 - Have the right to stay by law if they pay the entire delinquent amount, and/or
 - Paid the entire judgment amount to their landlord within 30 days of filing bankruptcy
- Within 30 days after the individual files a voluntary petition, this form must be
 - Filed and
 - Served on the landlord

New Form 106A/B: Property

- Combines old Schedule A (real property) and old Schedule B (personal property)
- Part 1: All real property must be listed in this section, including
 - Business-related real property
 - Farm-related real property
- More specific information is requested about each property

New Form 106A/B: Part 1, Real Property

Part 1: Describe Each Residence, Building, Land, or Other Real Estate You Own or Have an Interest In

1. Do you own or have any legal or equitable interest in any residence, building, land, or similar property?

- ☐ No. Go to Part 2.
☐ Yes. Where is the property?

1.1. _____
 Street address, if available, or other description

 City State ZIP Code

 County

What is the property? Check all that apply.

- ☐ Single-family home
☐ Duplex or multi-unit building
☐ Condominium or cooperative
☐ Manufactured or mobile home
☐ Land
☐ Investment property
☐ Timeshare
☐ Other _____

Who has an interest in the property? Check one.

- ☐ Debtor 1 only
☐ Debtor 2 only
☐ Debtor 1 and Debtor 2 only
☐ At least one of the debtors and another

Other information you wish to add about this item, such as local
 property identification number: _____

Do not deduct secured claims or exemptions. Put the amount of any secured claims on Schedule D: Creditors Who Have Claims Secured by Property.

Current value of the entire property?	Current value of the portion you own?
\$ _____	\$ _____

Describe the nature of your ownership interest (such as fee simple, tenancy by the entireties, or a life estate), if known.

☐ Check if this is community property (see instructions)

New Form 106A/B: Personal Property

- Personal Property categories are completely reorganized
- Items are listed in logical categories:
 - Part 2: Vehicles
 - Part 3: Household items
 - Part 4: Financial assets
 - Part 5: Business-related property (not realty)
 - Part 6: Farm and Commercial Fishing property (not realty)
 - Part 7: Catch-all for anything not listed above

New Form 106A/B: Part 2, Vehicles

Prompts for information about two main categories of vehicles

- Line 3:
 - Cars
 - Vans
 - Trucks
 - Tractors
 - Sport utility vehicles
 - Motorcycles
- Line 4:
 - Watercraft
 - Aircraft
 - Motor homes
 - ATVs and other recreational vehicles
 - Other vehicles
 - Accessories

New Form 106A/B: Part 2, Vehicles

- More precise detail is elicited

Part 2: Describe Your Vehicles

Do you own, lease, or have legal or equitable interest in any vehicles, whether they are registered or not? Include any vehicles you own that someone else drives. If you lease a vehicle, also report it on *Schedule G: Executory Contracts and Unexpired Leases*.

3. Cars, vans, trucks, tractors, sport utility vehicles, motorcycles

☐ No
☐ Yes

3.1. Make: _____
 Model: _____
 Year: _____
 Approximate mileage: _____
 Other information: _____

Who has an interest in the property? Check one.

☐ Debtor 1 only
☐ Debtor 2 only
☐ Debtor 1 and Debtor 2 only
☐ At least one of the debtors and another

☐ Check if this is community property (see instructions)

Do not deduct secured claims or exemptions. Put the amount of any secured claims on *Schedule D: Creditors Who Have Claims Secured by Property*.

Current value of the entire property?	Current value of the portion you own?
\$ _____	\$ _____

New Form 106A/B: Part 3, Household items

- Regroups some items
 - Furs are now clothing rather than jewelry
 - Firearms are their own separate category, no longer part of sporting equipment
 - Non-farm animals have their own category

New Form 106A/B: Part 4, Financial Assets

- Two new categories
 - Line 18: Bonds, mutual funds, or publicly traded stocks
 - Line 33: Claims against third parties, whether or not you have filed a lawsuit or made a demand for payment
 - This category prompts debtors to list tort claims, such as medical malpractice claims, that they might otherwise have overlooked
 - Helps prevent debtors from being estopped from filing claims because of their failure to disclose them to the Bankruptcy Court
- Explicitly prompts for ABL accounts to be listed among education IRAs
 - Line 24: "Interests in an education IRA, in an account in a qualified ABL program, or under a qualified state tuition program"

Form 106C: The Property You Claim as Exempt

- Line 1: Reverses the order in which the exemptions are listed
 - Old Schedule C lists the statutory references in numerical order
 - 11 U.S.C. § 522(b)(2) – federal exemptions
 - 11 U.S.C. § 522(b)(3) – state exemptions
 - New Form 106C lists statutory references in REVERSE numerical order

Part 1: Identify the Property You Claim as Exempt

1. Which set of exemptions are you claiming? Check one only, even if your spouse is filing with you.

- ☐ You are claiming state and federal nonbankruptcy exemptions 11 U.S.C. § 522(b)(3)
- ☐ You are claiming federal exemptions 11 U.S.C. § 522(b)(2)

Form 106C: The Property You Claim as Exempt

- Line 2: List of Exempt Property
 - Now requires debtor to list the line number from Schedule A/B where the exempt property was listed
 - Prompts for the “value” of the portion of the asset owned by debtor
 - Prompts for the “amount” of the exemption, rather than the value.
 - Pursuant to *Schwab v. Reilly*, 560 U.S. 770 (2010), the amount of exemption can be marked as either
 - limited by a dollar amount
 - 100% of fair market value, up to any applicable statutory limit

Form 106C: The Property You Claim as Exempt

2. For any property you list on *Schedule A/B* that you claim as exempt, fill in the information below.

Brief description of the property and line on <i>Schedule A/B</i> that lists this property	Current <u>value</u> of the <u>portion you own</u> Copy the value from <i>Schedule A/B</i>	<u>Amount</u> of the <u>exemption you claim</u> Check only one box for each exemption.	Specific laws that allow exemption
Brief description: _____ Line from <i>Schedule A/B</i> : _____	\$ _____	<input type="checkbox"/> \$ _____ <input type="checkbox"/> 100% of fair market value, up to any applicable statutory limit	_____ _____ _____

Form 106D: Creditors Who Have Claims Secured by Property

- New check boxes to describe the nature of the lien
 - Agreement (mortgage or secured loan)
 - Statutory lien
 - Judgment lien
 - Other
- Prompts debtors to list only the last four digits of their account number
 - Reduces the temptation to share too much information
 - Obviates need to file motion to redact

Form 106D: Creditors Who Have Claims Secured by Property

Part 1: List All Secured Claims

2. List all secured claims. If a creditor has more than one secured claim, list the creditor separately for each claim. If more than one creditor has a particular claim, list the other creditors in Part 2. As much as possible, list the claims in alphabetical order according to the creditor's name.

	Column A Amount of claim Do not deduct the value of collateral.	Column B Value of collateral that supports this claim	Column C Unsecured portion if any
<p>2.1</p> <p>Creditor's Name _____</p> <p>Number _____ Street _____</p> <p>City _____ State _____ ZIP Code _____</p> <p>Who owes the debt? Check one.</p> <p><input type="checkbox"/> Debtor 1 only</p> <p><input type="checkbox"/> Debtor 2 only</p> <p><input type="checkbox"/> Debtor 1 and Debtor 2 only</p> <p><input type="checkbox"/> At least one of the debtors and another</p> <p><input type="checkbox"/> Check if this claim relates to a community debt</p> <p>Date debt was incurred _____</p>	<p>Describe the property that secures the claim: _____</p> <p>As of the date you file, the claim is: Check all that apply.</p> <p><input type="checkbox"/> Contingent</p> <p><input type="checkbox"/> Unliquidated</p> <p><input type="checkbox"/> Disputed</p> <p>Nature of lien. Check all that apply.</p> <p><input type="checkbox"/> An agreement you made (such as mortgage or secured car loan)</p> <p><input type="checkbox"/> Statutory lien (such as tax lien, mechanic's lien)</p> <p><input type="checkbox"/> Judgment lien from a lawsuit</p> <p><input type="checkbox"/> Other (including a right to offset) _____</p>	<p>\$ _____</p> <p>\$ _____</p> <p>\$ _____</p>	<p>\$ _____</p> <p>\$ _____</p> <p>\$ _____</p>

Last 4 digits of account number _____

Form 106D: Creditors Who Have Claims Secured by Property

- New Part 2: List Others to Be Notified for a Debt That You Already Listed
 - Identifies persons other than the principle creditor about a debt
 - E.g., collection agency pursuing a debt for the creditor
- Indicate the line in Part 1 where the debt was listed
 - Cross-referencing is similar to 106C exemptions and Part 3 of Form 106E/F

Form 106D: Creditors Who Have Claims Secured by Property

Part 2: List Others to Be Notified for a Debt That You Already Listed

Use this page only if you have others to be notified about your bankruptcy for a debt that you already listed in Part 1. For example, if a collection agency is trying to collect from you for a debt you owe to someone else, list the creditor in Part 1, and then list the collection agency here. Similarly, if you have more than one creditor for any of the debts that you listed in Part 1, list the additional creditors here. If you do not have additional persons to be notified for any debts in Part 1, do not fill out or submit this page.

<input type="checkbox"/>	Name _____	On which line in Part 1 did you enter the creditor? _____
	Number _____ Street _____	Last 4 digits of account number _____
	City _____ State _____ ZIP Code _____	

New Form 106E/F: Creditors Who Have Unsecured Claims

- Combines the list of Priority claims with General Unsecured claims
- Claims should be listed alphabetically by creditor
- Part 1: Priority Claims
 - New Form: Check boxes are provided for the debtor to indicate the Priority type for each claim (for statistical purposes)
 - Domestic support obligations
 - Taxes and government debts
 - Claims for death and personal injury while debtor was intoxicated
 - Other – requires debtor to enter the basis for priority
 - Old Schedule E had 9 check boxes to mark “if claims in that category” were listed among the priority claims on the attached sheets

New Form 106E/F: Part 1, Priority Claims

Part 1: List All of Your PRIORITY Unsecured Claims

1. Do any creditors have priority unsecured claims against you?
☐ No. Go to Part 2.
☐ Yes.

2. List all of your priority unsecured claims. If a creditor has more than one priority unsecured claim, list the creditor separately for each claim. For each claim listed, identify what type of claim it is. If a claim has both priority and nonpriority amounts, list that claim here and show both priority and nonpriority amounts. As much as possible, list the claims in alphabetical order according to the creditor's name. If you have more than two priority unsecured claims, fill out the Continuation Page of Part 1. If more than one creditor holds a particular claim, list the other creditors in Part 3.
 (For an explanation of each type of claim, see the instructions for this form in the instruction booklet.)

		Total claim	Priority amount	Nonpriority amount	
2.1	Priority Creditor's Name _____ Number _____ Street _____ City _____ State _____ ZIP Code _____ Who incurred the debt? Check one. <input type="checkbox"/> Debtor 1 only <input type="checkbox"/> Debtor 2 only <input type="checkbox"/> Debtor 1 and Debtor 2 only <input type="checkbox"/> At least one of the debtors and another <input type="checkbox"/> Check if this claim is for a community debt Is the claim subject to offset? <input type="checkbox"/> No <input type="checkbox"/> Yes	Last 4 digits of account number _____ When was the debt incurred? _____ As of the date you file, the claim is: Check all that apply. <input type="checkbox"/> Contingent <input type="checkbox"/> Unliquidated <input type="checkbox"/> Disputed	\$ _____	\$ _____	\$ _____

Type of PRIORITY unsecured claim:
☐ Domestic support obligations
☐ Taxes and certain other debts you owe the government
☐ Claims for death or personal injury while you were intoxicated
☐ Other: Specify _____

New Form 106E/F: Part 2 Nonpriority Unsecured Claims

- Part 2: “Nonpriority Claims”
 - New Form: Check boxes are provided for the debtor to indicate the Nonpriority type for each claim (for statistical purposes)
 - Student loans
 - Nonpriority obligations arising out of separation agreement or divorce
 - Debts to pension or profit-sharing plans, and similar debts
 - Other – requires debtor to enter the basis for nonpriority of the claim
 - Similar to many other forms, it offers continuation pages if there are more claims than will fit on the first page of the form

New Form 106E/F: Part 2 Nonpriority Unsecured Claims

4. List all of your nonpriority unsecured claims in the alphabetical order of the creditor who holds each claim. If a creditor has more than one nonpriority unsecured claim, list the creditor separately for each claim. For each claim listed, identify what type of claim it is. Do not list claims already included in Part 1. If more than one creditor holds a particular claim, list the other creditors in Part 3. If you have more than three nonpriority unsecured claims fill out the Continuation Page of Part 2.

		Total claim
4.1	<p>Nonpriority Creditor's Name _____</p> <p>Number _____ Street _____</p> <p>City _____ State _____ ZIP Code _____</p> <p>Who incurred the debt? Check one.</p> <p><input type="checkbox"/> Debtor 1 only</p> <p><input type="checkbox"/> Debtor 2 only</p> <p><input type="checkbox"/> Debtor 1 and Debtor 2 only</p> <p><input type="checkbox"/> At least one of the debtors and another</p> <p><input type="checkbox"/> Check if this claim is for a community debt</p> <p>Is the claim subject to offset?</p> <p><input type="checkbox"/> No</p> <p><input type="checkbox"/> Yes</p>	<p>Last 4 digits of account number _____</p> <p>When was the debt incurred? _____</p> <p>As of the date you file, the claim is: Check all that apply.</p> <p><input type="checkbox"/> Contingent</p> <p><input type="checkbox"/> Unliquidated</p> <p><input type="checkbox"/> Disputed</p> <p>Type of NONPRIORITY unsecured claim:</p> <p><input type="checkbox"/> Student loans</p> <p><input type="checkbox"/> Obligations arising out of a separation agreement or divorce that you did not report as priority claims</p> <p><input type="checkbox"/> Debts to pension or profit-sharing plans, and other similar debts</p> <p><input type="checkbox"/> Other. Specify _____</p>

New Form 106E/F: Part 2 Continuation Page

Part 2: Your NONPRIORITY Unsecured Claims Continuation Page

After listing any entries on this page, number them beginning with 4.5, followed by 4.6, and so forth.

		Total claim
4.5	<p>Nonpriority Creditor's Name _____</p> <p>Number _____ Street _____</p> <p>City _____ State _____ ZIP Code _____</p> <p>Who incurred the debt? Check one.</p> <p><input type="checkbox"/> Debtor 1 only</p> <p><input type="checkbox"/> Debtor 2 only</p> <p><input type="checkbox"/> Debtor 1 and Debtor 2 only</p> <p><input type="checkbox"/> At least one of the debtors and another</p> <p><input type="checkbox"/> Check if this claim is for a community debt</p> <p>Is the claim subject to offset?</p> <p><input type="checkbox"/> No</p> <p><input type="checkbox"/> Yes</p>	<p>Last 4 digits of account number _____</p> <p>When was the debt incurred? _____</p> <p>As of the date you file, the claim is: Check all that apply.</p> <p><input type="checkbox"/> Contingent</p> <p><input type="checkbox"/> Unliquidated</p> <p><input type="checkbox"/> Disputed</p> <p>Type of NONPRIORITY unsecured claim:</p> <p><input type="checkbox"/> Student loans</p> <p><input type="checkbox"/> Obligations arising out of a separation agreement or divorce that you did not report as priority claims</p> <p><input type="checkbox"/> Debts to pension or profit-sharing plans, and other similar debts</p> <p><input type="checkbox"/> Other. Specify _____</p>

New Form 106E/F: Part 3, List Others to Be Notified About a Debt That You Already Listed

- Similar to Part 2 of Form 106D (secured claims)
- Indicate the line in Part 1 or Part 2 where the debt was listed as either a priority or nonpriority claim

Part 3: List Others to Be Notified About a Debt That You Already Listed

5. Use this page only if you have others to be notified about your bankruptcy, for a debt that you already listed in Parts 1 or 2. For example, if a collection agency is trying to collect from you for a debt you owe to someone else, list the original creditor in Parts 1 or 2, then list the collection agency here. Similarly, if you have more than one creditor for any of the debts that you listed in Parts 1 or 2, list the additional creditors here. If you do not have additional persons to be notified for any debts in Parts 1 or 2, do not fill out or submit this page.

Name _____

Number _____ Street _____

City _____

State _____

ZIP Code _____

On which entry in Part 1 or Part 2 did you list the original creditor?

Line ____ of (Check one): ☐ Part 1: Creditors with Priority Unsecured Claims

☐ Part 2: Creditors with Nonpriority Unsecured Claims

Last 4 digits of account number ____ _ _ _

Form 106G: Executory Contracts

- This form was simplified
- Now it only requires debtor to identify the person with whom the executory contract is made and “what the contract or lease is for”

2. List separately each person or company with whom you have the contract or lease. Then state what each contract or lease is for (for example, rent, vehicle lease, cell phone). See the instructions for this form in the instruction booklet for more examples of executory contracts and unexpired leases.

Person or company with whom you have the contract or lease

State what the contract or lease is for

2.1

Name _____

Number _____ Street _____

City _____

State _____

ZIP Code _____

Form 106H: Your Codebtors

- Breaks out the question about having lived in a community property state within the past 8 years

1. Do you have any codebtors? (If you are filing a joint case, do not list either spouse as a codebtor.)

- ☐ No
☐ Yes

2. Within the last 8 years, have you lived in a community property state or territory? (Community property states and territories include Arizona, California, Idaho, Louisiana, Nevada, New Mexico, Puerto Rico, Texas, Washington, and Wisconsin.)

- ☐ No. Go to line 3.
☐ Yes. Did your spouse, former spouse, or legal equivalent live with you at the time?
☐ No

☐ Yes. In which community state or territory did you live? _____. Fill in the name and current address of that person.

 Name of your spouse, former spouse, or legal equivalent

 Number Street

 City State ZIP Code

Form 106H: Your Codebtors

- Prompts debtor to cross-reference prior form and line on which the debt was listed previously

3. In Column 1, list all of your codebtors. Do not include your spouse as a codebtor if your spouse is filing with you. List the person shown in line 2 again as a codebtor only if that person is a guarantor or cosigner. Make sure you have listed the creditor on Schedule D (Official Form 106D), Schedule E/F (Official Form 106E/F), or Schedule G (Official Form 106G). Use Schedule D, Schedule E/F, or Schedule G to fill out Column 2.

Column 1: Your codebtor

Column 2: The creditor to whom you owe the debt

Check all schedules that apply:

3.1

 Name

 Number Street

 City State ZIP Code

- ☐ Schedule D, line ____
☐ Schedule E/F, line ____
☐ Schedule G, line ____

Form 106I: Your Income

Hooray! This one is already familiar.

New Form 106J-2: Expenses for Separate Household of Debtor 2

- Reports the separate household expenses of Debtor 2
- Schedule J-2 is used only when individual debtors maintain separate households, see Schedule J, Part 1, Question 1
- Parallels Schedule J, but expenses listed on Schedule J should not be listed again on Schedule J-2, otherwise expenses would be doubled
 - Schedule J-2 subtotals the separate household expenses of Debtor 2

New Form 106J-2: Expenses for Separate Household of Debtor 2

- Line 22b on Schedule J includes the subtotal of monthly expenses from Schedule J-2

22. Calculate your monthly expenses.		
22a. Add lines 4 through 21.	22a.	\$ _____
22b. Copy line 22 (monthly expenses for Debtor 2), if any, from Official Form 106J-2	22b.	\$ _____
22c. Add line 22a and 22b. The result is your monthly expenses.	22c.	\$ _____
23. Calculate your monthly net income.		
23a. Copy line 12 (your combined monthly income) from Schedule I.	23a.	\$ _____
23b. <u>Copy your monthly expenses from line 22c above.</u>	23b.	-\$ _____
23c. Subtract your monthly expenses from your monthly income. The result is your <i>monthly net income</i> .	23c.	\$ _____

New Form 106J-2: Expenses for Separate Household of Debtor 2

- Line 23 is “not used” in Schedule J-2

22. Your monthly expenses. Add lines 5 through 21. The result is the monthly expenses of Debtor 2. <u>Copy the result to line 22b of Schedule J to calculate the total expenses for Debtor 1 and Debtor 2.</u>	22.	\$ _____
23. Line not used on this form.		

New Form 106Sum: Summary of Your Assets and Liabilities and Certain Statistical Information

- No longer includes a Summary of Schedules asking which schedules are attached and the number of pages
- Reorders the items from the old Statistical Summary of Certain Liabilities and Related Data

New Form 106Dec: Declaration About an Individual Debtor's Schedules

- This form must always be filed every time one or more schedules is filed
 - Must accompany any set of schedules when initially filed
 - Must also accompany any amended schedule(s)

Declaration About an Individual Debtor's Schedules

If two married people are filing together, both are equally responsible for supplying correct information.

You must file this form whenever you file bankruptcy schedules or amended schedules. Making a false statement, concealing or obtaining money or property by fraud in connection with a bankruptcy case can result in fines up to \$250,000, or imprisonment, or both. 18 U.S.C. §§ 152, 1341, 1519, and 3571.

Form 107: Statement of Financial Affairs for Individuals Filing for Bankruptcy

- Part 1: Give Details About Your Marital Status and Where You Lived Before
- Part 2: Explain the Sources of Your Income
- Part 3: List Certain Payments You Made Before You Filed Bankruptcy
- Part 4: Identify Legal Actions, Repossessions, and Foreclosures
- Part 5: List Certain Gifts and Contributions
- Part 6: List Certain Losses
- Part 7: List Certain Payments or Transfers
- Part 8: List Certain Financial Accounts, Investments, Safe Deposit Boxes, and Storage Units
- Part 9: Identify Property You Hold or Control for Someone Else
- Part 10: Give Details About Environmental Information
- Part 11: Give Details About Your Business or Connections to Any Business
- Part 12: Sign Below

Form 107: Statement of Financial Affairs for Individuals Filing for Bankruptcy

- Reorders the topics
 - E.g., marital status in community property states (former line 16) and prior addresses (line 15) now come in Part 1
- Part 2: Prompts debtor to acknowledge if income comes from
 - Wages, commissions, bonuses
 - Operating a business
- Explicitly requires all income to be disclosed for three periods:
 - Partial calendar year from January 1
 - The most recent full calendar year
 - The “calendar year before that”

Form 107: Statement of Financial Affairs for Individuals Filing for Bankruptcy

4. Did you have any income from employment or from operating a business during this year or the two previous calendar years?
Fill in the total amount of income you received from all jobs and all businesses, including part-time activities.
If you are filing a joint case and you have income that you receive together, list it only once under Debtor 1.
- ☐ No
☐ Yes. Fill in the details.

	Debtor 1	Debtor 2
	Sources of income Check all that apply. <input type="checkbox"/> Wages, commissions, bonuses, tips <input type="checkbox"/> Operating a business	Gross income (before deductions and exclusions) \$ _____
From January 1 of current year until the date you filed for bankruptcy:	<input type="checkbox"/> Wages, commissions, bonuses, tips <input type="checkbox"/> Operating a business	<input type="checkbox"/> Wages, commissions, bonuses, tips <input type="checkbox"/> Operating a business
For last calendar year: (January 1 to December 31, ____)	<input type="checkbox"/> Wages, commissions, bonuses, tips <input type="checkbox"/> Operating a business	<input type="checkbox"/> Wages, commissions, bonuses, tips <input type="checkbox"/> Operating a business
For the calendar year before that: (January 1 to December 31, ____)	<input type="checkbox"/> Wages, commissions, bonuses, tips <input type="checkbox"/> Operating a business	<input type="checkbox"/> Wages, commissions, bonuses, tips <input type="checkbox"/> Operating a business

Form 107: Statement of Financial Affairs for Individuals Filing for Bankruptcy

- Part 3: Narrower question prompts debtors with primarily consumer debts to list payments to creditors within 90 days prior to filing the petition:
 - Old Form B7 Line 3b asked debtors to list payments or transfers to creditors within 90 days before filing the bankruptcy “unless the aggregate value of all property that constitutes or is affected by such transfer is less than \$600”
 - New Form 107 Line 6 prompts for a listing of “each creditor to whom you paid a total of \$600 or more”
 - Excludes domestic support obligations
 - Does not include a reference to transfers affecting property with a value of more than \$600

Form 107: Statement of Financial Affairs for Individuals Filing for Bankruptcy

During the 90 days before you filed for bankruptcy, did you pay any creditor a total of \$600 or more?

☐ No. Go to line 7.

☐ Yes. List below each creditor to whom you paid a total of \$600 or more and the total amount you paid that creditor. Do not include payments for domestic support obligations, such as child support and alimony. Also, do not include payments to an attorney for this bankruptcy case.

	Dates of payment	Total amount paid	Amount you still owe	Was this payment for...
Creditor's Name	_____	\$ _____	\$ _____	<input type="checkbox"/> Mortgage
Number Street	_____			<input type="checkbox"/> Car
	_____			<input type="checkbox"/> Credit card
	_____			<input type="checkbox"/> Loan repayment
	_____			<input type="checkbox"/> Suppliers or vendors
City State ZIP Code				<input type="checkbox"/> Other _____

Form 107: Statement of Financial Affairs for Individuals Filing for Bankruptcy

- Part 3: Asks separate questions for payments within 1 year of bankruptcy:
 - To insiders
 - For the benefit of insiders
- Now the form's definition of insiders includes "partnerships of which you are a general partner"

Form 107: Statement of Financial Affairs for Individuals Filing for Bankruptcy

- Part 5: Gifts must be disclosed if the total value is \$600 over a two-year lookback period to any person or charity

Part 5: List Certain Gifts and Contributions

13. Within 2 years before you filed for bankruptcy, did you give any gifts with a total value of more than \$600 per person?

☐ No
☐ Yes. Fill in the details for each gift.

Gifts with a total value of more than \$600 per person	Describe the gifts	Date you gave the gifts	Value
Person to Whom You Gave the Gift _____ Number Street _____ City State ZIP Code _____ Person's relationship to you _____		_____	\$ _____
		_____	\$ _____

Form 107: Statement of Financial Affairs for Individuals Filing for Bankruptcy

- Part 7: Now requires debtor to list email address or website of persons debtor paid for consultation about bankruptcy or petition preparation

Part 7: List Certain Payments or Transfers

16. Within 1 year before you filed for bankruptcy, did you or anyone else acting on your behalf pay or transfer any property to anyone you consulted about seeking bankruptcy or preparing a bankruptcy petition?

Include any attorneys, bankruptcy petition preparers, or credit counseling agencies for services required in your bankruptcy.

☐ No
☐ Yes. Fill in the details.

Person Who Was Paid	Description and value of any property transferred	Date payment or transfer was made	Amount of payment
Number Street _____ _____ City State ZIP Code _____ Email or website address _____ Person Who Made the Payment, if Not You _____		_____	\$ _____
		_____	\$ _____

Form 107: Statement of Financial Affairs for Individuals Filing for Bankruptcy

- Part 11: Information about individual debtors' businesses is much simpler and less detailed

Part 11: Give Details About Your Business or Connections to Any Business

27. Within 4 years before you filed for bankruptcy, did you own a business or have any of the following connections to any business?

- ☐ A sole proprietor or self-employed in a trade, profession, or other activity, either full-time or part-time
- ☐ A member of a limited liability company (LLC) or limited liability partnership (LLP)
- ☐ A partner in a partnership
- ☐ An officer, director, or managing executive of a corporation
- ☐ An owner of at least 5% of the voting or equity securities of a corporation

☐ No. None of the above applies. Go to Part 12.

☐ Yes. Check all that apply above and fill in the details below for each business.

Describe the nature of the business		Employer Identification number Do not include Social Security number or ITIN.
Business Name		EIN: ____ - ____
Number Street	Name of accountant or bookkeeper	Dates business existed
City State ZIP Code		From ____ To ____

New Form 121: Statement About Your Social Security Numbers

- Reserved for use by pro se filers
- Attorneys should only file the Kansas-specific "Declaration Re: Electronic Filing"
 - Kansas-specific form is required by § I.C of Appendix 1-01 to LBR 5005.1
 - Local form is found on our website at www.ksb.uscourts.gov/images/ksb_forms/06_05_2009_decldue.pdf
 - Be certain to include the debtor's Social Security Number on the Declaration Re: Electronic Filing

Kansas-specific Form: “Declaration Re: Electronic Filing”

Updated 06/05/2009

UNITED STATES BANKRUPTCY COURT DISTRICT OF KANSAS

In re: _____)
 _____) Bankruptcy Case No. _____
 Debtor(s), Full Social Security Number(s))

DECLARATION RE: ELECTRONIC FILING

PART I - DECLARATION OF PETITIONER:

I [We] _____ and _____, the undersigned debtor(s), corporate officer, partner, or member, hereby declare under penalty of perjury that I [we] have reviewed the information provided in the electronically filed petition, statements and schedules and the information is true and correct. I [We] further declare under penalty of perjury that the foregoing Social-Security number and/or Individual Taxpayer-Identification Number is true and correct. I consent to my attorney sending my petition, this declaration, statements and schedules and any future amendments of these documents to the United States Bankruptcy Court, United States Trustee and Panel Trustee. I understand that this **DECLARATION RE: ELECTRONIC FILING** is to be filed with the Clerk after the petition has been filed electronically but, in any event, no later than 5 business days after the petition has been filed. I understand that failure to file the signed original of this **DECLARATION** will cause my case to be dismissed without further notice.

☐ I [We] declare under penalty of perjury that I [We] do not have either a Social-Security Number or an Individual Taxpayer-Identification Number.

☐ [If petitioner is an individual whose debts are primarily consumer debts and has chosen to file under chapter 7] I am aware that I may proceed under chapter 7, 11, 12, or 13 of 11 United States Code, understand the relief available under each such

New Forms 122A-1, 122B, 122C-1: Statements of Your CMI

- Second column prompts for information specific to Debtor 2 for:
 - Question 5 (net income from farm or business) and
 - Question 6 (net income from rental and other real property)

5. Net income from operating a business, profession, or farm	Debtor 1	Debtor 2		
Gross receipts (before all deductions)	\$ _____	\$ _____		
Ordinary and necessary operating expenses	– \$ _____	– \$ _____		
Net monthly income from a business, profession, or farm	\$ _____	\$ _____	Copy here →	\$ _____ \$ _____
6. Net income from rental and other real property	Debtor 1	Debtor 2		
Gross receipts (before all deductions)	\$ _____	\$ _____		
Ordinary and necessary operating expenses	– \$ _____	– \$ _____		
Net monthly income from rental or other real property	\$ _____	\$ _____	Copy here →	\$ _____ \$ _____

New Form 122B: Chapter 11 Statement of Your CMI

- Old form Part 2 has been eliminated
 - Exclusion of income of a debtor's non-filing spouse is unnecessary because that income need not be reported

New Forms 122A-2 and 122C-2

- Now includes line for ABLE accounts (26 U.S.C. § 529A(b)) now that they may be included in the deduction for contributions to the care of household or family members
 - Authorized by 11 U.S.C. § 707(b)(2)(A)(ii)(II) by Tax Increase Prevention Act of 2014, Pub. L. No. 113-295

26. Continuing contributions to the care of household or family members. The actual monthly expenses that you will continue to pay for the reasonable and necessary care and support of an elderly, chronically ill, or disabled member of your household or member of your immediate family who is unable to pay for such expenses. These expenses may include contributions to an account of a qualified ABLE program. 26 U.S.C. § 529A(b).

\$_____

New Form 410: Proof of Claim Attachment A Mortgage Proof of Claim Attachment

- Old Form: required itemized information about
 - Principal
 - Interest
 - Fees Due as of the petition date
 - Amount needed to cure a prepetition default
- New Form: requires a loan history with
 - Dates payments were received and how payments were applied
 - When fees and charges were incurred
 - When escrow charges were satisfied

New Form 410: Proof of Claim Attachment A Mortgage Proof of Claim Attachment

- Loan history must begin with the first missed payment that was not completely cured
- New form is designed to be automated to comply with Rule 3001(c)(2)(C)
- Intention is to increase transparency about claim and arrearage calculations

New Form 410: Proof of Claim Attachment A Mortgage Proof of Claim Attachment

Mortgage Proof of Claim Attachment

(12/15)

If you file a claim secured by a security interest in the debtor's principal residence, you must use this form as an attachment to your proof of claim. See separate instructions.

Part 1: Mortgage and Case Information		Part 2: Total Debt Calculation		Part 3: Arrearage as of Date of the Petition		Part 4: Monthly Mortgage Payment	
Case number:		Principal balance:		Principal & interest due:		Principal & interest:	
Debtor 1:		Interest due:		Prepetition fees due:		Monthly escrow:	
Debtor 2:		Fees, costs due:		Escrow deficiency for funds advanced:		Private mortgage insurance:	
Last 4 digits to identify:		Escrow deficiency for funds advanced:		Projected escrow shortage:		Total monthly payment:	
Creditor:		Less total funds on hand:		Less funds on hand:			
Servicer:		Total debt:		Total prepetition arrearage:			
Fixed accrual/daily simple interest/other:							

Part 5: Loan Payment History from First Date of Default

		Account Activity				How Funds Were Applied/Amount Incurred					Balance After Amount Received or Incurred					
A.	B.	C.	D.	E.	F.	G.	H.	I.	J.	K.	L.	M.	N.	O.	P.	Q.
Date	Contractual payment amount	Funds received	Amount incurred	Description	Contractual due date	Prin. int & esc past due balance	Amount to principal	Amount to interest	Amount to escrow	Amount to fees or charges	Unapplied funds	Principal balance	Accrued interest balance	Escrow balance	Fees / Charges balance	Unapplied funds balance

New Form 318: Discharge Forms

- All forms: The vestigial references to distinction between pre-BAPCPA and post-BAPCPA cases are removed

Bankruptcy Clerk's Office Contacts

- David Zimmerman, Clerk of the Bankruptcy Court, District of Kansas
 - (316) 315-4180
- Stephanie Mickelsen, Chief Deputy Clerk
 - (785) 338-5910
- Judy Cowger, Supervisor, Kansas City (Kansas) Division
 - (913) 735-2112
- Melanie Davis, Supervisor, Wichita Division
 - (316) 315-4112
- Donna Urbom-McClure, Supervisor, Topeka Division
 - (785) 338-5912

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